

RESOLUTION NO. 17-06-802

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT SETTING PROCEDURES AND CHARGES FOR PUBLIC REVIEW AND COPY OF DISTRICT RECORDS

BE IT RESOLVED by the Board of Directors of the Three Valleys Municipal Water District ("District") that the following rules and regulations related to public access for inspection and copying of District records be adopted pursuant to Government Code Section 6253(e):

Section 1. General Rules. The policy set forth below shall be used for guidance in distributing public documents and in responding to requests for information that the District may receive. It is designed to follow existing law such that any provision of this policy in conflict with existing law shall have no force or effect.

1.1. All District records and documents not deemed to be exempt under the California Public Records Act ("the Act"), California Government Code Section 6250 et seq., shall be open to the public for inspection and copying pursuant to the requirements of the Act and the procedures established herein.

1.2. Any person who wishes to inspect or copy any document or record of the District shall submit or unequivocally convey such a request to the District which reasonably and particularly describes an existing and identifiable record. The person seeking the record may, but need not, state his or her reason for making the request and/or the use to which the information will be put.

1.3. When a member of the public requests to inspect a public record, or obtain a copy of a public record, the District, to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall perform all the following, to the extent reasonable under the circumstances:

- 1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- 2) Describe the information technology and physical location in which the records exist; and
- 3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

1.4. If the District receives a request for approved minutes, publicly-posted

agendas, adopted budgets, and/or other simple, routine, and otherwise readily-available documents in the District's immediate possession, said records shall be released to the party so requesting for inspection as soon as possible. If copies thereof are requested, said records shall be released to the party so requesting as soon as possible after payment of the fee adopted by the District pursuant to Section 1.8 hereof.

1.5. All requests for records that are outside the scope of Section 1.4 hereof shall be reduced to written form. For convenience in describing the records sought, the District shall furnish the requesting party with the standard form attached hereto as **Exhibit A** and incorporated herein by this reference. However, use of that form shall not be the exclusive means by which a member of the public may identify said documents in writing. If the requesting party refuses or is unable to submit a request in writing, the District shall prepare a written memorandum articulating the request as it is understood.

1.6. Within ten (10) calendar days after receipt of a request to inspect or copy any document or record of the District identified in the writing prepared pursuant to Section 1.5 hereof, the District shall determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the District, and shall immediately notify the person making the request of such determination and the reasons therefor.

1.7. Under unusual circumstances as defined in the Act, the time limit prescribed in Section 1.6 hereof may be extended by written notice by the General Manager of the District, or his or her designee, to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than fourteen (14) calendar days.

1.8. If the District determines that the records requested shall be made available for public inspection or copying, the District shall promptly make the records available to the requesting party. If copies are requested, the District shall promptly provide copies of the records to the requesting party upon payment of a duly-adopted fee to cover the District's direct cost of duplication as calculated in the Schedule of Fees attached hereto as **Exhibit B** and incorporated herein by this reference.

1.9. If the District determines that the records requested shall not be made available for public inspection or copying, the District shall justify withholding any record by demonstrating that the record in question is exempt under the Act, that the District is unable to identify the information requested in the writing prepared pursuant to Section 1.5 hereof after making a reasonable effort to provide the assistance described in Section 1.3 hereof and elicit additional clarifying information from the requester that would help identify the record or records, or that,

based on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. Any

notification of denial of any request for records shall set forth the names and titles of each person responsible for the denial.

1.10. If the District determines that any part of an otherwise public record shall not be made available for public inspection or copying, any reasonably segregable portion of the record shall be provided to the person requesting such record after deletion of the portions which are exempt by law and upon (a) compliance with Section 1.8 hereof as to the portions released to the requesting party and (b) satisfaction of Section 1.9 hereof as to the portions deleted therefrom.

1.11. The District may comply with its obligation to allow for in person examination of records or to provide copies of records by posting any public record on its website and, in response to a request for records, directing the requesting party to the location on the website where the record is posted. Any such record posted on the District's website shall be posted in an open format in compliance with Government Code Section 6253.10.

1.12. If any request for a District record relates to a record in an electronic format, the District will make the record available in any electronic format in which it holds that record or in the format requested if the requested format is one the District has used to make copies for its own use. However, the District will not release any record in electronic format if that release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained. The requesting party must pay for the District's direct cost of copying any record in an electronic format. The District may recover its programming and computer service costs if the request requires data compilation, extraction or programming to produce the record or if the record is produced at other than a regularly scheduled interval.

1.13. The District will retain in its records all written requests for inspection or copying of public records in accordance with the District's records retention guidelines.

Section 2. Special Rules for Examination. The District will provide an area at its offices for examination of its public records. Examinations may take place only during regular District business hours, must take place on District premises, and will be subject to observation by District personnel. These procedures are for the sole purpose of protecting original records against tampering or theft. Any examination of original District records will be subject to the following rules:

2.1. No document or record, or any part thereof, shall be removed from the file, notebook, folder, or other compilation in which it is contained.

2.2. No document or record shall be written on, marked on, or erased, nor shall any writing or information therein otherwise be removed; nor shall any person destroy, mutilate, deface, alter or falsify any document or record. Violations of this rule will be prosecuted pursuant to Government Code §6201.

2.3. The party examining records shall comply with all instructions of District personnel. District personnel may terminate or restrict the examination as may be necessary to preserve District records.

Section 3. Review of Personal Electronic Devices and Personal E-Mail Accounts.

3.1. Upon receipt of a request under the Act that may involve responsive records that may have been transmitted by an employee or director through the employee's or director's personal electronic devices (including, but not limited to, a smart phone, tablet or laptop computer) or personal e-mail account, the District's General Manager shall notify any employee or director who may reasonably be expected to have any such requested records on such a personal device or personal e-mail account of the need for that employee or director to search his or her personal device(s) and personal e-mail account(s) for any records (including, but not limited to, text messages, e-mails or other electronic records) that may be housed on any such device or in any such account. Any such search will be conducted promptly upon receipt of notice from the General Manager to ensure the District complies with the timeframes for responding to the request in accordance with this policy. Any such search shall be conducted in good faith to be reasonably calculated to locate any responsive public records that may be housed on any such personal device or personal e-mail account, but need not be extraordinarily extensive or intrusive.

3.2. Upon completion of the search of any such devices or accounts, the employee or director shall complete the declaration in the form attached hereto as **Exhibit C** that states the appropriate result from that search. The District shall provide training for all employees and directors regarding how to conduct such searches and how to differentiate and segregate public records from private records. The District shall conduct updated training at least every two years. The District shall have personnel available to assist any employee or director who requests assistance in conducting such a search.

3.3. The District shall incorporate into its separate electronic communications policy provisions designed to minimize the likelihood of an employee or director using his or her personal electronic device or personal e-mail account for District business.

Section 4. Effective Date and Review. This Resolution supersedes any previously-adopted motion, resolution, or ordinance inconsistent with the terms hereof and shall take effect immediately upon its adoption. This Resolution will be reviewed and revised as deemed appropriate by the District's Board of Directors.

ADOPTED and **PASSED** at a meeting of the Three Valleys Municipal Water District's Board of Directors, on this 21st day of June 2017 by the following vote:

AYES: Bowcock, De Jesus, Goytia, Horan, Kuhn, Mendoza, Ruzicka
NOES:
ABSTAIN:
ABSENT:



Bob G. Kuhn, President

ATTEST:



Brian Bowcock, Secretary

SEAL:



Exhibit A

PUBLIC RECORDS INSPECTION and COPY

Request Form



Three Valleys Municipal Water District
1021 East Miramar Avenue
Claremont, CA 91711
909-621-5568; Fax: 909-625-5470

Name of Requestor (please print) _____

Affiliation (optional) _____

Address (optional) _____

Phone Number (optional) _____ Fax Number (optional) _____

Email Address (optional) _____

I wish to request the following public records pursuant to the California Public Records Act (Government Code §6250-6276.48):

Title/Document _____

Description _____

Date/Year of document(s) _____

Please check all that apply

☐ Inspect only ☐ Request copies ☐ Mail copies ☐ Email copies ☐ Pick up copies

Please be advised that under California Government Code §6250 et seq., the District has ten (10) days after the date of your request to determine whether the record(s) you have requested is/are subject to disclosure under the public records act. This period of time may be extended by the district for an additional fourteen (14) days. You will be notified upon determination of your request. I understand that there is a charge for duplication of all materials that I may request and agree to pay for those copies before receiving the material.

☐ Check box to validate typed/printed name below as e-signature

Signature _____ Date _____

FOR OFFICE USE ONLY

DATE RECEIVED: _____ DATE NOTIFIED: _____

RECORDS PRODUCED BY: _____

SIGNATURE: _____

Exhibit B

Records Request Schedule of Fees*	
No Charge for items emailed to requestor & No Sales Tax on Public Records Requests	
Price for a copy of a page (8-1/2" x 11") (Black/White or Color)	\$0.25 Per page
Price for a copy of a page (11" x 14") (Black/White or Color)	\$0.25 Per page
Price for a copy of a page (11 x 17) (Black/White or Color)	\$0.30 Per page
24 x 36 Maps black/ white or color (done by outside copier)	Actual Cost
Price for an affidavit to certify the copy(ies)	\$2.50 per page
Price for an envelope	\$0.05 each
Price for a large manila envelope	\$0.50 each
Price for mailing (letter-size envelope)	\$0.44 each
Price for mailing (large manila envelope)	\$5.43 each
Price for overnight mail	Actual Cost
Price for mailing a "certified" letter (in addition to postage due)	\$7.55 each
Price for a copy with CD	\$1.50 each

*Fees are subject to change upon current USPS Rates.



Form of Declaration

I, _____, hereby declare as follows:

1. I have personal knowledge of the matters set forth in this declaration.
2. I currently am serving as the _____ of Three Valleys Municipal Water District ("District").
3. On _____, I received notice of the need to search my electronic device(s) and e-mail account(s) for documents that may be responsive to a Public Records Act request the District received from _____ (the "Request").
4. I have, with reasonable diligence, searched all my electronic devices and e-mail accounts and (choose one below)

have provided all public records responsive to the Request to the responsible District employee.

did not locate any public records on such devices or accounts that were responsive to the Request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

[insert name]